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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,046	09/28/2001	Jeffrey S. Swayze	IND-54	4823
27777	7590	07/22/2004	EXAMINER WONG, ERIC K	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			ART UNIT 2874	PAPER NUMBER

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/967,046	Applicant(s) SWAYZE ET AL.	
	Examiner Eric Wong	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-22 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 7-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 under anticipation from United States Patent Number 4,822,997 to Fuller et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under Fuller et al. in view of Hinckley. It is respectfully noted that although Fuller et al. does not specifically state that a rotating connector is used, Fuller et al. does state in column 2, line 37 that **ANY** other connector configuration can be used.
2. Applicant's arguments with respect to claim 2 have been fully considered but they are not persuasive. Although Fuller et al. does not go into detail in describing a "flange" in figures 1 and 3, a "flange" portion is visible on connector 118 where non-volatile memory 130 is mounted.
3. Applicant's arguments with respect to claim 6 have been fully considered but they are not persuasive. Applicant requests Examiner to point out where specific portions of the claimed invention reside in Fuller et al. Fueller et al. discloses in figure 3, an energy transfer attachment (the apparatus of Fueller et al. is an optical conductor and therefore transfers some form of optical "energy"). Fueller et al. also discloses a flange extending from a barrel. The entire connector of Fueller et al. is what Examiner refers to as a "barrel" and the lower portion directly in front on the longitudinal axis of where said memory 130 is mounted is a "flange" portion with a contact pad. This portion of the connector is viewed upon by the Examiner as a "contact pad" because it is flat in nature and makes contact with the corresponding female end of the connector.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number 4,822,997 to Fuller et al., and further in view of United States Patent Number 4,898,446 to Hinckley.

Fuller discloses in figure 3 a connector for attaching an energy delivery device comprising:

- A handle portion (114);
- An energy transfer attachment for transferring energy from an energy generator to an energy delivery device, extending from handle portion (118b);
- A contact pad plane defined on connector parallel to longitudinal axis (flat surface to the front of section 118); and
- At least one contact pad having a contact surface on a flange portion, wherein a line through the contact surface and perpendicular to said contact plane is skew to said longitudinal axis (118 has a contact surface).

As to claim 2, section 118 is a flange extending from the barrel of the connector.

However, Fuller et al. fails to explicitly disclose a connector for attaching an energy delivery device by rotation.

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Hinckley teaches in the Abstract and figure 1, an optical connector that attaches an energy delivery device by means of rotation.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the rotational design of Hinckley in Fuller et al. in order to provide more precise connection of optical fibers for reduced optical losses and to provide for a locking mechanism so the connector does not prematurely disengage.

Allowable Subject Matter

6. Claims 3-5 and 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art made of record fails to explicitly disclose or reasonably suggest a contact pad accessible through ^{an access opening on} a flange extending from a barrel of a energy deliver connector.

The following is a statement of reasons for the indication of allowable subject matter: The prior art made of record fails to explicitly disclose or reasonably suggest a contact pad located on a flange portion that comes in conductive contact with a conductive portion of an energy generator. Therefore claims 10-22 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is 571-272-2363. The examiner can normally be reached on Monday through Friday, 830AM - 430PM.

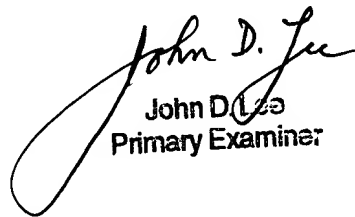
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EW



John D. Lee
John D. Lee
Primary Examiner